



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Paper Number 43

In re Application of :  
LORENCE et al :  
Serial No. 08/260,536 :  
Filed: June 16, 1994 :  
For: METHODS FOR TREATING AND :  
DETECTING CANCER USING :  
VIRUSES :

**MAILED**  
**DEC 21 1999**  
Office  
Technology Center

This is a decision on the petition, filed August 20, 1999, to withdraw improperly issued notice of abandonment.

On February 18, 1998, a bona fide letter was mailed to applicant, which indicated that applicants failed to argue the rejections set forth in the office action mailed on May 26, 1998. On May 24, 1999, a Notice of Abandonment was mailed which indicated that the application was abandoned for failing to timely file a proper response. On August 20, 1999, the present petition to withdraw the holding of abandonment was filed. The petition was accompanied with a five month extension of time, the fee and a response to the Office action mailed February 18, 1999. The petition stated that the 30 days (since 30 days was longer than one month) from the mailing date of February 18, 1999 was March 20, 1999. The petition also requested that the petition fee be refunded since the petition was necessitated due to an error by the Patent Office.

A thorough review of the file record shows that the Notice of Abandonment was improperly issued. The application has been returned to pending status. The petition fee of \$130 is refunded herewith. The application is forwarded to examiner for further action after mailing of the decision.

**PETITION GRANTED.**

*Charles Tsang for*  
John Doll, Director  
Technology Center 1600/2900

Thomas E. Byrne  
TEB:lmo  
1100 North Glebe Road, 8<sup>th</sup> floor  
Arlington, VA 22201-4714